1732

PATENT APPLICATION

I certify that I am depositing this correspondence with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

October 19, 2001 John C. Hammar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE #6 N.C.H. 1732

Applicant:	D. Engwall *et al.*	Examiner:	S. Staicovici
Appl. No.:	09/407,278	Art Unit:	1732
Filing Date:	September 29, 1999	Docket:	96-234C

October 19, 2001

For: *Method for Making a Composite*

Assistant Commissioner for Patents
Washington, DC 20231

ELECTION

Sir:

Applicant submits this ELECTION within the 30-day period set for response in the Examiner's Action dated September 19, 2001. Applicant does not believe that a fee is due, but, should Applicant owe a fee (including any fees under §1.17 or all required extension of time fees), please charge that fee to Deposit Account 02-2960. Please treat this paper (and any future reply) as incorporating a petition for extension of time for the appropriate length of time, in the event that an extension is required.

Applicant's Election

The Examiner finds these groups:

Group I:	claims 17, 18, and 28	process
Group II:	claims 29 and 32-35	composite component

Applicant elects with traverse to continue prosecution of Group 1, claims 17, 18 and 28. Restriction is discretionary; the Examiner can elect to retain all the claims in a single application. The claims of Group I and II are related as a product and its method of

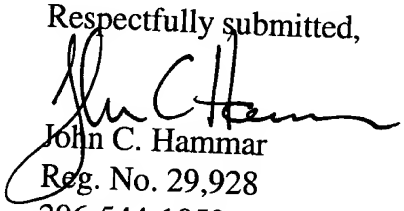
manufacture. As such, the claims likely are in a single search art for purposes of examination so little additional work is required for the Examiner to consider both groups at once. Furthermore, the art has already been searched extensively for prosecution of the parent applications. The products are defined with reference to their process of manufacture, and, accordingly, cannot actually be made by a materially different process. The process steps are included in the product claim so the process cannot make a materially different product. There is no evidence that the claimed product can be made in any other way than as Applicant claims it. Please reconsider the restriction between Groups I and II.

As already mentioned, restriction is discretionary. It is designed to save the Examiner from an undue burden. Restriction here does not foster the underlying purpose for the doctrine. It only adds time and cost to the Applicant and the PTO. In that regard, its application in the circumstances of the present application is an abuse of discretion and arbitrary and capricious and, therefore, is unauthorized.

Please reconsider this restriction.

The MPEP suggests that Examiners phone an Applicant concerning restriction to speed prosecution. I have no recollection of the Examiner's phone call. Applicant would have made an oral election with traverse had the Examiner spoken with me directly or had he left me a voicemail. Telephone restriction practice is particularly important in the post-GATT era where patent term is measured from the original filing date. It is easy to leave a voicemail message and to receive a voicemail reply. Please phone in the future, because Applicant's attorney would at least make a provisional election to foster prompt examination.

Respectfully submitted,



John C. Hammar
Reg. No. 29,928
206-544-1059